# **CONTRARY TO GOOD MORALS**

WHAT JUDGE EDWARDS SAID OF A CONTENTION.

The Case Was That of W. W. Watt Against John McComb-The Judge Says That in the Interest of Justice and Common Honesty the Verdict Ought to Stand-Mrs. Mets Heine Asks for a Divorce from Her Cruel Husband-Court News Notes.

The following straight from the shoulder opinion has been handed down by President Judge Edwards in the case of W. W. Watt against John Mc-Comb, rule for a new trial:

In the interest of justice and common hones'y this verdict ought to stand. It should not be dis-turbed unless for clear error of law. The facts involved in this case are few and simple.

1. W. W. Watt, in June, 1872, entered into a contract with Mary Kahl to sell her a piece of contract with Mary Kald to sell her a pace of land situated in the city of Carbondale, for the sum of \$1,250. While the vender and vender as named in the contract are W. W. Watt and Mary Kald, the contract itself is signed by W. Watt, R. Kald and Mary Kald. The consideration money was to be paid in annual installments. Some payments were made on the contract by the Kald.

In March, 1874, the contract was transerred to John McComb, the defendant, he paying to the Kahla 850. The assignment was endorsed upon the contract and was signed by R. Kahl and Mary Kahl. The defendant took possession of the land at the time of the transfer and has

paid the plaintil Scil.71 on account of the Kahls contrat. The amount of this payment was the only fact submitted to the jury, the plaintiff claiming it was only \$116.71. On this point the fers totald in favor of the detendant. 1. The defendant, called on cross-examinat sant he with into possession of the land under the Kahl contract and assignment. The detendent offered two detenses: (1) Mary

Bull was a married woman and her assignment of the contract was coul because it was not a knowledged in the manner required by statue, (2) Advise passession for a period of over twen-ty-one years. We ruled out both ofters, heiding that the defendant was estoqued from making either, Was this error: We think not. For the purposes of this case and in the con-

elderation of the cute for a new trial. Mary Kahl must be treated as a married woman, because the defendant offenal to prove this fact. It must be conceded that if the case involved only the relation between W. W. Watt and Mary Kahl under the contrast of June, 1872, she would be bound to pay the belance of the purchase money and that she could not pleud vocerture as a de-Prince, A long line of cases, beginning with Patterson vs. Robinson, 25 Pa. 81, and forlowed by Ramborger's Adm. vs. Ingraham, 38 Pa. 116, Brunner's Appeal, 47 Pa. 67, Schlower's Appeal, 55 Pa. 423, Shryder vs. Nolde, 91 Pa. 286, Van Dyke vs. Wells and wife, 103 Pa. 67, and nomerus other cases, the describe is laid down that that as real estate purchased by a married comen is concerned the may bind it for the purchase money in any number that she might were the sole. "The conveyance with the lien for the unpaid purchase money is one transaction, and we must treat both the benefit and the burden as valid." The obligation of a married woman to

av purchase money, though not a personal one, will constitute a valid lien upon the property. We presume that the defendant's counsel has no quarrel with the law of the cases we have cited above, but relies upon another line of de-cisions, many of them, such as Stivers vs. Stockers et al., 126 Pa. 74, and the cases therein cited, which decide that the interest of a married man in real estate cannot be divested excepin the mode pointed out by our statute, and that she cannot be estopped by acts and declarations. which in the case of a feme sole would operate as an estoppel. While the application of this dectrine has worked hardship in some cases, it is considered to be in the line of wise public policy, being for the protection of the married woman. But how does the principle apply to the case at bar? Mary Kahl is not here pleaning her coverture. She is not asking for protection.

As was said in Patterson, vs. Robinson, supra-As was said in Cattered, by Dominal Super-'The disability of coverture is birosen around her for the protection of the rights of herself and her husband. It is a shield for defense, not a weapon for mischief." Say that the defendant took possession of the land under an assignment of the Walt contract, lie is not in a position to plead for disability, because he is estopped. He has had the benefit and why should be not assume the burden. To say the least, his conten-tion is contrary to good normals. He says in effect: "It is true I went into passession under the assigned contract and that I hard the plain tiff \$500 on account of the land; but I have discovered since that there is a defect in the Kaul assignment, in that it case not acknowledged, as required by law. I shall therefore pay no more money on the contract, and, having been in possession over twenty-one years. I shall keep the land and save the balance of the purchase money." In doing this he is in the same posi-tion as the defendant in the case of Gowton vs. Wickersham, 54 Pa. 302 who refused to per ground rent because his predecessor in the title, bring a married women, could not make a mindsenant. The court says:

"If Mrs. Stellarach had been a single woman, the defendant would not have domined to the demand of eground) tent, but he does so because she is a married woman, and yet all the he has to the land comes through her, and the he has to the land comes through her, and the validity of it depends entirely men mer power to receive and transmit it to the detectant \* \* \* and the defendant is estopped from disputing the componency of Mrs. Steinmah, through whom his title to the ground is derived \* \* \* He cannot set upon Mrs. Steinmah's incompetency to defeat the ground rent, which would have been a lieu upon the betate if the land had remained hers, and when he purland bad remained hers, and when he pur-chased the land he became beauth as assigned to perform every coverant in the deed, exactly as if Mrs. Stemmach had been a single woman." The deterno of adverso procession is universide. To allow it would be a travesty on justice.

As another reason for a new trial, the defendant assigns the action of the court in selmitting the contract and the assignment in evidence without proof of execution. The contract was produced by the defendant upon notice. There is a test-book law to the effect that a deed produced by the adverse party on notice shall be presumed to have been duly excepted and read in evidence without further proof. In a short per curian this rule is sustained in Frantz 14. Harman, 2

The other assignment, that a deed was not tendered before suit was brought, cannot be sue-tained. This may be done at the trial, or, it seems, before execution. Hall cs. Holmes, 4 Pa 251; Gadwalader vs. Burkbeiser, 32 Pa. 45. Phin iff's counsel, in an internal way, tendered a deed at the trial and again at the argument of the rule for a new trial. If necessary, we can make an order that in case the defendant pays into court the amount of the conditional verdet, the plaintiff shall deposit in the problemetary's office a proper deed before he is allowed to take

for the above reason the rule for a new trial is discharged and a new trial is refused.

### Spencer Injunction Case.

There was a hearing yesterday be fore Judge J. P. Kelly in the equity suit of Ambrose L. Spencer against F. H. Emery and Thomas R. Hughes. The three parties to the suit comprise the Emery Slate Picker company, and in March last, Spencer filed a bill in equity, in which he alleged that his partners have not properly conducted the business and that he has been excluded from consultation in the man-agement. He asked for a dissolution of the partnership, an injunction, and the appointment of a receiver to take charge of the business and make an

accounting. The defendants deny that they excluded Spencer from participation in the affairs of the company, and also the charge of mismanagement, and at the same time they ask the court to base ball yesterday at Wilkes-Barre pass upon the question of whether or Of course the Scratton men won. The not Spencer is a partner. A few years ago he assigned his interest in the ton. company to his mother and subse-

as a partner, although he is still entitled to an accounting.

As a result of yesterday's hearing Spencer agreed to a temporary aban-donment of his claim for a dissolution, accounting, receivership and injunction, and allowed the matter to go over until the regular term of equity court in September. The plaintiff was represented by Attorneys M. J. Martin and James K. Gearhart, and the defendants by Attorneys I. H. Burns and C. L. Hawley.

#### Mrs. Heine Asks a Divorce.

Mrs. Meta Heine, of Archbald, yes terday took the preliminary steps look-ing to securing a divorce from Henry Heine, to whom she was married on Nov. 10, 1893. The papers in the case were filed by Attorney R. A. Zimmer-

Mrs. Heine declares that her husband has been cruel to her on many occasions, and that on Monday last he beat her and then drove her from the nouse at the point of a shotgun. For this latest offense he is now in jail.

#### An English Barrister.

Arthur E. Morley, a barrister of London, England, yesterday filed in the office of the clerk of the courts his intention of becoming a citizen of the United States.

He is now taking the law course at Harvard, to acquaint himself with American law, and legal methods, and after he has completed this course and been given the rights of citizenship, he proposes to locate here and practise

Marriage	L	censes	
44 M 47			

d	marriage Licenses.
i	Michael Maffullo
١	Cornelia Gaffo
	Andrew Kardos
	Annie GekaieThroop
	Paulus EwonickaThroup
	Eva DzrobaTimop
	Anthony Ballenszajlis
	Antoni RoanitiScranton
	Frank Fileavich
	Sophia MischuckSeranton
	Stanley E. MoyerScranton
	Laura A. Merriline Scrapton
	Lenis SarafinTaylor
	Ludwiga Ludut

#### COURT HOUSE NEWS NOTES.

The will of Mrs. Louise Lyman, late of this city, was admitted to probate yesterday and letters testamentary granted to John Thiel.

Joseph Dolphin was recently pointed a justice of the peace for the borough of Olyphant to fill the vacancy aused by the death of M. J. Cannon. Yesterday his bond in the sum of \$1,000 was filed with Prothonotary Copeland. The bondsmen are P. M. Jordan and Michael Bosak.

#### INDUSTRIAL JOTTINGS.

Gasoline Air Compressor Plant In stalled in Lackawanna Yard at Binghamton.

A 20-horse power gasoline air compressor is being installed in the Lackawanna railroad yards at Binghamton, to be used for charging all trains going west on the Buffalo division from the Syracuse yards, and on the repair tracks for jacking up cars and other

work. The work will be done in about v.cek, and when completed the Lackawanna will then have the most complete system of air plants in the United States. The air stations are located at Hoboken, Gouldsboro, Scranton, Kingston, Hallstead, Binghamton, Elmira, Buffalo, Syracuse and Utica.

#### D., L. & W. Board for Today. Following is the make-up of the D., L. & W. board for today:

THURSDAY, AUGUST 15. Wild Cate, East-8 p. m., Fitzpatrick; 10 p.

m., J. J. Costello.

FRIDAY, AUGUST 16.

Wild Cats, East-1.30 a. m., John Wardell, with Rogers' crew; 3 a. m., O. W. Fitzgeraid; i a. m., D. Wallace: a. m., M. J. Hennigan; w. J. Mosser; 11 a. m., H. Coslar, W. Dunn's crow; I p. m., J. H. Masters; 5 p. m., G. T. Staples; 6 p. m., George

Summits, Etc.-6 a. m., cast, J. Carrigg; S. a. m., west, G. Fromfelker; H a. m., west, M. Finnerty; 6 p. m., east, F. M.Donnelt; 8 p. m., east, W. H. Nichels; 7 p. m., Nay Aug. M. Staples, with McAllister's crew; 7 p. m., Cayuga, Thompson; 7 p. m., Cayuga, M.

Pushers 8 a. m., Houser; 10 s. m., S. Fin perty; 11.30 a. m., Moran; 7 p. m., Murphy; 9 p. m., Lamping; 10 p. m., Metiovern.

Passenger Engines—7 a. m., Gaffney; 7 a. m., Singer; 10 a. m., T. Nauman; 10 a. m., Secor; p. m., Stanton; 7 p. m., McGovern. Wild Cats, West.-5 a. m., L. D. Lattimer, with Kotcham's crew; 7 a. m., Doudican; 10 a. m., F. Wall; 11 a. m., P. Cavanaogh; 1 p. m., R. Casiner; 2 p. m., W. A. Bartholomew; 3 p. m., J. H. McCann; 4 p. m., M. Carmody; 5 p. m., John Gahagan; 6 p. m., Randolph.

NOTICE. Brakeman Andrew Sullivan will call at trainmaster's office.

### This and That.

The Lackawanna trainmen at Hoboken will be paid today. D. W. Morrison, of Hoboken, district

superintendent of the Pullman service on the Lackawanna railroad, was in the city yesterday.

Langan, of the Lackawanna railroad. The Eric yesterday put one of its 'hog" engines into use on the Wyom-

over the Carbon street bridge at a speed exceeding six miles an hour.

Coaches 150 and 151 of the new series recently ordered by the Luckawanna railroad, have arrived from Barney, Smith & Co., of Dayton, O., and will be used in trains 5 and 6 between New York and Buffalo.

Tomorrow the automatic signals on the west bound track between Manunka Chunk and Stroudsburg on the Lackawanna railroad will be put in service. Those signals are all of th home and distant semaphore pattern with the exception of the signal just east of Stroudsburg, which is a home signal on account of end of block.

### SCRANTON MEN WON.

The Wilkes-Barre Traction company's motor men and conductors and the Scranton Railway company motormen and conductors played a game of base ball yesterday at Wilkes-Barre. damage was 12 to 7 in favor of Scran-

The features of the game were Laferquently she reassigned it to him. It is ty's two home runs, Snyder's timely beld that this divested him of his right hetting and Ryan's back stop work.



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Special bargains can be secured here almost every day in the week on Pianos and Organs that have either been returned or left on sale by parties leaving the city. You can often secure a \$350 or \$400 Piano for less than half that amount

of money by calling here at the right time. It will pay any person who is desirous

of purchasing a Piano to take advantage of these rare opportunities.

The public is invited to call here before buying.

N. B .== There is but one Guernsey Hall in the city of Scranton. Guernsey Hall is located near the Central Post Office Building,

314-316 WASHINGTON AVENUE, SCRANTON, PA. J. W. GUERNSEY, Proprietor.

#### The Pennsylvania State College

examination of candidates for admission will vanisation of candidates for admission will I at the High school, Auceday, August 27, extening at 9 a. m.

M. E. Wadsworth, for several years Directive Houghton (Michigan) College of his accepted an appointment as Head of ining Department. Fall Session opens September 11, 1991, catalogue, specimens of former examina-spers, or other information, address.

THE REGISTRAR, State College, Pa.

### RAILROAD TIME TABLES.

Delaware, Lackawanna and Western In Effect Aug. 11, 1901.

Trains leave Seranton for New York—At L40, 1,00, 5,55, 7,50 and 10,05 a. m.; 12,40, 3,20, 5,45, 5,60 and 8,30 p. m. For New York and Philadelphia—7,50 and 10,05 a. m., and 12,49 and 3,5 p. m. For Tolyhanna—At 6,10 p. m. For Budalo—1,15, 6,22 and 6,00 a. m.; 1,50, 5,52, 7,0 and 11,35 p. m. For Binghamton and way states and 11.35 p. m. For Binghamter, and way stations—19.29 a, m. and 1.08 p. m. For Oswego Syracuse and Utics—1.15 and 6.22 a. m., 1.13 and 3.52 p. m. Oswego, Syracuse and Utics train at 6.22 a. m. daily, except Sunday, For Montrose—10.00 a. m.; 1.05 and 7.05 p. m. Nicholson accommodation—4.00 and 6.15 p. m. Bloomsburg Division—For Northumberland, at 6.15 and 10.05 a. m.; 1.30 and 6.10 p. m. For Plymouth, at 8.19 a. m.; 3.55 and 2.05 p. m. Sunday Trains—For New York, 1.49, 3.00, 5.5, and 10.05 a. m.; 3.20, 6.45 and 5.09 p. m. For Binghamton and way stated 10.155 p. m. For Binghamton and way stated

#### Lehigh Valley Railroad. In Effect June 2, 1901. Trains leave Scranton:

In Effect June 2, 1991.

Trains leave Scrauton:

For Philadelphia and New York via D. & H.
R. R., at 6.45 and 9.38 a, m., and 2.18, 4.27
(Black Diamond Express), and 11.39 p, m. Sundays, D. & H. R. R., 1.58, 8.37 p, m.

For White Haven, Hazleton and principal points in the coal regions, via D. & H. R. R., 1.58, 2.18 and 4.27 p, m. For Pottsville, 6.45 s, m., 2.18 p, m.

For Bethlehem, Easton, Reading, Harrisburg and principal intermediate stations via D. & H.
R. R., 6.45, 9.38 a, m.; 2.18, 4.27 (Black Diamond Express), 11.30 p, m. Sundays, D. & H.
R. R., 9.38 a, m.; 1.58, 8.27 p, m.

For Tunkhamneck, Towanda, Elmita, Ithaca, Geneva and principal intermediate stations, via D., L. & W. R. R., 8.10 a, m. and 3.49 p, m.

For Geneva, Rochester, Buffalo, Niagaia Falla, Chicage and all points west via D. & H. R. R., 7.48, H.55 a, m., 1.28, 3.34 (Black Diamond Express), 7.48, 19.41, H.30 p, m. Sundaya, D. & H.
R. R., H.55, 8.77 p, m.

Pullman parior and sleeping or Lehigh Valley parior cars on all trains between Wilkes-Barre and New York, Philadelphia, Buffalo and Suapension Bridge.

ROLLIN H. WH.BUR, Gen, 8upt., 26 Cortland the city yesterday.

S. D. Hutchings, eastern representative of the Westinghouse Air Brake company, called on Inspector P. J. Langan, of the Lackawanna railroad.

A. W. NONSEMACHER, Div. Pass. Agt., South Bethlehem, Pa. For rickets and Pullman reservations apply t

> Central Railroad of New Jersey. Stations in New York-Foot of Liberty street N. B., and South Ferry.
> TIME TABLE IN EFFECT JUNE 30, 1901.
> Trains leave Scranton for New York, Newark,
> Elizabeth, Philadelphia, Easton, Bethlehem, Allentown, Manch Chunk and White Haven, at 8.55
> a. m.; express, 1.10; capress, 4.00 p. m. Sundays, 2.15 p. m.
> For Pittston and Wikes-Barre, 8.55 a. m.; 1.10
> and 4.00 p. m. Sundays, 2.15 p. m.

99 Lackswanna avenue, Seranton, Pa

For Pittsfors and Wilkes-Barre, 8,00 a. m.; 1.19 and 4,00 p. m. Sundays, 2.15 p. m.

For Baltimore and Washington and points South and West via Bethlehem, 8,55 a. m., 1.19 and 4,00 p. m. Sundays, 2.15 p. m.

For Long Branch, Orean Grove, etc., at 8.55 a. m. (through coach), and 1.10 p. m.

For Badding, Lebanon and Harrisburg, via Allendown, 8,55 a. m. and 1.19 p. m. Sandays, 2.55

 15 p. m.
 For Portivelle, 8.55 n. m., 1.10 p. m.
 For Mountain Park, 8.55 a. m., 1.10 and 4.00 m. Through tickets to all points east, south and west at lowest rates at the station.

C. M. RURT, Gen. Pass. Agt.

J. H. OLHAUSEN, Gen. Supt.

### Delaware and Hudson.

In Effect June 9, 1901, ains for Carbondale leave Scranton at 6.29, 8.33, 10.13 a. m.; 12.90, 1.29, 2.44, 3.52, 0.25, 7.5, 0.15, 11.20 p. m.; 1.15 a. m or Honestale and Lake Lodere, 6.20, 10.13 a. 2.44 and 5.29 p. m. Willies-Barre—6.45, 7.48, 8.41, 9.38, 10.43 ; 12.63, 1.28, 2.18, 3.33, 4.27, 6.10, 7.48, a. m.; 12.60, 1.28, 2.18, a.a., 19.11, 11.39 p. m.; 19.41, 11.39 p. m.; 19.41, 11.39 p. m.; 19.41, 11.39 p. m.; 19.41, 11.39 p. m.; 19.42, and 11.39 p. m.; 19.42, and 11.39 p. m.; 19.43, and add 4.27 p. m.; 19.43, and add 4.27 p. m.; 19.43, and add 4.27 p. m.; 19.43, and add add points north—6.20 a. m.; 19.43, and 19. ad 3.52 p. m. SUNDAY TRAINS. For Carbondale 8.50, 11.33 a. m.; 2.44, 3.52,

52 and 10.52 p. m. For Wilkes-Barre 9.38 a. m.; 12.01, 1.38, 3.28, 6.32 and 8.42 p. ct. For Albany and points north—3.52 p. ct. For Honesdale and Lake Ludov—8.50 a. m. and 3.52 p. ct.

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Please bear in mind that

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is not a glazed article; it is not coated with egg mixtures or chemicals in order to give it a better appearance. We do not need to resort to such measures-we have no imperfections to hide!

In every package of LION COFFEE you will find a fully illustrated and descriptive list. No housekeeper, in fact, no woman, man, boy or girl will fail to find in the list some article which will contribute to their happiness, comfort and convenience, and which they may have by simply cutting out a certain number of Lion Heads from the wrappers of our one pound sealed packages (which is the only form in which this excellent coffee is sold). WOOLSON SPICE CO., TOLEDO, OHIO.

### RAILROAD TIME TABLES. RAILROAD TIME TABLES

New York, Ontario and Western Time Table in East Sunday, June 23, 1901.

NORTH-BOUND.

Leave Leave Arrive

Trains Scanton Carbondale Cadosia,
No. 1 ... 10.20 a.m. 11.10 a.m. 1.00 p.m.
No. 3 ... 100 p.m. 4.34 p.m. 6.00 p.m.

SOUTH-BOUND.

Leave Leave Arrive Carbondale Carbondale Arrive

Leave Leave Seranton,

Cadosia Carbondale Seranton,

7.00 a.m. 7.09 a.m.

8.40 a.m. 10.01 a.m. 10.10 a.m.

2.15 p.m. 4.00 p.m. 4.45 p.m.

SUNDAYS ONLY, NORTH-BOUND,

Leave Carbondale Carbondale,

10.45 a.m. SUNDAYS ONLY, NORTH BOUND,
Leave Arrive
Scranton, Carhondale, Cadesia,
No. 9 ... 8.30 a. m. 9.10 a. m. 10.45 a. m.
No. 5 ... 7.00 p. m. Ar Carbondale, 7.45 p. m.
SOI TH-BOUND,
Leave Leave Arrive
Cadosia, Carbondale, Scranton,
No. 6 ... 4.30 p. m. 6.00 p. m. 8.45 p. m.
Trains Nos. I, on week days, and 9, on Saindays, make main line connections for New York, city, Utica, Oneida, Oswego and intermediate points. Trains Nos. 3 and 1 make Walton, Delhi, Hamdep and Sidney connections.

For further information consult ticket agents.

J. C. ANDERSON, G. P. A., New York,

J. E. WELSH, T. P. A., Scranton.

Erie Railroad, Wyoming Division. Trains for Hawley and intermediate points leave Scranton as follows: No. 2, 7:10 s. m.; No. 4, 8:50 s. m.; No. 6, 2:25 p. m.; No. 8, 3:20 p. m. Nos. 2 and 6 through trains for New York, Arrivals—No. 1, 8:18 a. m.; No. 3, 10:30 s. m.; No. 5, 3:15 p. m.; No. 7, 9:15 p. m. Trains Nos. 5 and 7 are through trains from New York.

SUNDAY TRAINS
Departures—No. 20, 0 a. m.; No. 22, 2 p. m. Departures No. 29, 9 a. m.; No. 22, 2 p. m. Arrivals No. 21, 12.15 p. m.; No. 25, 8.15 p. m.

## PENNSYLVANIA RAILROAD

Schedule in Effect June 2, 1901. Trains leave Scranton:

.45 a. m., week days, through vestibule train from Wilkes-Barre.
Pullman buffet parior car and
coaches to Philadelphia, via
Pottsville; stops at principal intermediate stations. Also connects for Sunbury, Harrisburg,
Philadelphia, Baltimore, Washington and for Pittsburg and the

.38 a. m., week days, for Sunbury, Harrisburg, Philadelphia, Balti-more, Washington and Pittsburg and the West. 2.18 p. m., week days, (Sundays, 1.58 p. m.), for Sunbury, Harris-burg, Philadelphia, Baltimore, Washington and Pittsburg and

West. 1.33 p. m., week days, through ves-tibule train from Wilkes-Barre. Pullman buffet parlor car and coaches to Philadelphia via Potts-Stops at principal intermediate stations.

27 p. m., week days, for Hazleton, Sunbury, Harrisburg, Philadelphia and Pittsburg.

J. B. HUTCHINSON, Gen. Mgr. J. B. WOOD, Gen. Pass. Agt.

Booms 1 and 2, Com'lth B'1'd's SCRANTON, PA.

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JOHN B. SMITH & SON Plymouth
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Weak Nerves People cannot help worrying when their nerves are weak. That feeling of languor, dullness and exhaustion is the fearful condition which often precedes insanity. The power to work or study diminishes and despondency depresses the mind night and day.

If you are suffering the tortures of Nervous Debility, there is no knowing how soon you may decline to something more horrible. But you can get well. The youthful strength, buoyancy and happiness can be restored by the use of



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